

## REMARKS

Claims 34-40, 42-48 and 51-53 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hou et al. (U.S. Patent No. 5,325,421). Applicants respectfully traverse because Hou et al. does not disclose or suggest maintaining "a recorded audio representation of at least a portion of the telecommunication call which documents that an individual has affirmatively accepted the terms and conditions contract".

Hou et al. discloses a voice directed communications system platform for allowing a caller to place a telephone call by merely uttering a label identifying a desired called destination. The system charges the telephone call to a particular billing account by merely uttering a label identifying that account. Also, the caller may place the call by dialing or uttering the telephone number of the called destination or by entering a speed dial code associated with that telephone number. See Abstract. Hou et al. includes a procedure to register subscriber labels. The subscription identification unit (SIU) 21 passes voice labels and the subscriber's account code to a controller 45. The registration procedure is completed when the controller 45 indicates that voice verification models of the subscriber's speech utterances have been stored. See Col 6, lines 2-15. Hou et al. does not disclose or suggest a terms and conditions contract.

Conversely, the claimed invention recites that "a recorded audio representation of at least a portion of the telecommunication call" is maintained "which documents that an individual has affirmatively accepted the terms and conditions contract". Since there is no terms and conditions contract disclosed in Hou et al., there can be no recording of an acceptance of a terms and conditions contract, as claimed. Moreover, there can be no communication or receipt of a terms and conditions contract, as claimed. For at least these reasons, Applicants respectfully request that the rejection to the claims be withdrawn.

Claims 41 and 49-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hou et al. in view of Shelton (U.S. Patent No. 5,345,501). Applicants respectfully traverse.

Shelton discloses a customer order method, where the method first receives a customer PIN (Fig. 3, step 32) and provides a welcome message upon entry of the correct PIN (step 42; Col. 8, lines 5-8). Then, a customer selects a series of categories (step 44) and is greeted by associated category messages (step 46; Col. 5, lines 5-11; Col. 8, lines 5-8), in his attempt to order an item. These category selections may be made via speech recognition (Col. 5, lines 5-11; Col. 9, lines 59-62). After the last sub-category is selected (step 48), the method checks inventory availability for the item (step 50). Then, the method provides an inventory message stating the acceptance or non-acceptance of the order based on that availability (step 52). If the item is in stock, the order is stored under the customer's PIN (step 54), and the customer may claim his item at the store from which he ordered.

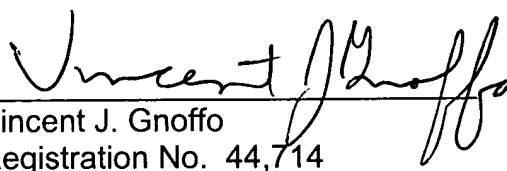
Neither Shelton nor Hou et al., alone or in combination, disclose or suggest maintaining "a recorded audio representation of at least a portion of the telecommunication call which documents that an individual has affirmatively accepted the terms and conditions contract". For at least this reason, Applicants respectfully request that the rejection be withdrawn.

Claims 34-53 stand rejected under 103(a) as being unpatentable over Shelton in view of Shimada et al. (U.S. Patent No. 6,169,787). Applicants respectfully traverse.

Shimada et al. discloses a telephone transaction support system for registering contents of a transaction requested by a customer over a telephone. Neither Shimada et al., Shelton nor Hou et al., alone or in combination, disclose or suggest maintaining "a recorded audio representation of at least a portion of the telecommunication call which documents that an individual has affirmatively accepted the terms and conditions contract". For at least these reasons, Applicants respectfully request that that the rejection be withdrawn.

In view of the foregoing remarks and amendments, Applicants submit that the claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this response, the Examiner is asked to phone the undersigned attorney at (312)-321-4200.

Respectfully submitted,

  
\_\_\_\_\_  
Vincent J. Gnoffo  
Registration No. 44,714  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200